

## **REMARKS**

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-2, 4-9, 11-18, 20-28, 30-41, 44-45, 47-62, 64-68, 70-80 and 82-90 are presently pending. Claims amended herein are: Claims 1-2, 4-9, 11-18, 20-21, 24-28, 30-41, 44-45, 47-49, 52-62, 64-68, 71-77, 79-80 and 82-88. Claims withdrawn or cancelled herein are: Claims 3, 10, 19, 29, 42, 43, 46, 63, 69 and 81. New claims added herein are: Claims 89-90.

### **Statement of Substance of Interview**

[0003] Examiner Iturralde graciously met with me—the undersigned representative for the Applicant—on May 29<sup>th</sup>, 2008, at the USPTO. Applicant greatly appreciates the Examiner’s willingness to meet. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0004] During the interview, I discussed how the claims differed from the cited references, namely Balkus and Sheasby. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0005] The Examiner was receptive to the proposals, and I understood the Examiner to tentatively concur that the proposed clarifying claim amendments appeared to distinguish over the cited references. However, the Examiner indicated that he would need to review the cited references more carefully and do another search, and requested that the proposed amendments be presented in writing.

[0006] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

### **Formal Request for an Interview**

[0007] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0008] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

### **Claim Amendments and Additions**

[0009] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-2, 4-9, 11-18, 20-21, 24-28, 30-41, 44-45, 47-49, 52-62, 64-68, 71-77, 79-80 and 82-88 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

**[0010]** The amendments to claims 1-2, 4-9, 11-18, 20-21, 24-28, 30-41, 44-45, 47-49, 52-62, 64-68, 71-77, 79-80 and 82-88 are fully supported by Application and therefore do not constitute new matter. Please see at least pages 11 and 23-28 of the specification.

**[0011]** Furthermore, Applicant adds new claims 89-90 herein, which are directed towards the types of nodes. These new claims are fully supported by Application and therefore do not constitute new matter. Please see at least pages 25-27 of the specification. Claims 89-90 are allowable over the cited references because they define a root node, a sequence node and a parallel node as recited in the claims.

## Substantive Matters

### **Claim Rejections under § 101**

[0012] Claims 14, 20, 32, 40, 48 and 57-83 are rejected under 35 U.S.C. § 101. Applicant respectfully traverses this rejection. Furthermore, in light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn. Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0013] If the Examiner maintains the rejection of these claims, then Applicant requests additional guidance as to what is necessary to overcome the rejection.

### **Claim Rejections under § 103**

[0014] Claims 1-88 are rejected under 35 U.S.C. § 103. In light of the amendments presented herein and the discussion during the above-mentioned Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0015] The Examiner's rejections are based upon the following references:

- **Balkus:** *Balkus, et al.*, US Patent Publication No. 2004/0268224 (Published December 30, 2004); and
- **Sheasby:** *Sheasby, et al.*, US Patent No. 6,539,163 (Issued March 25, 2003).

## **Overview of the Application**

[0016] The Application describes a media timeline. A request is received from an application at an application programming interface (API) to interact with a plurality of media. Based on the request, a media timeline is generated. The media timeline is for exposure via the API to the application and includes a plurality of nodes. The media timeline defines a presentation of a first media referenced by a first node with respect to a second media referenced by a second node.

## **Cited References**

[0017] The Examiner cites Balkus as the primary reference in the obviousness-based rejections. The Examiner cites Sheasby as a secondary reference in the obviousness-based rejections.

### **Balkus**

[0018] Balkus describes an authoring tool that has a graphical user interface enabling interactive authoring of a multimedia presentation including temporal and nontemporal media. The graphical user interface enables specification of the temporal and spatial relationships among the media and playback of the presentation with the specified temporal and spatial relationships. The spatial and temporal relationships among the media may be changed independently of each other. The presentation may be viewed interactively under the control of the author during the authoring process without

encoding the audio and video data into a streaming media data file for combination with the other media, simulating behavior of a browser that would receive a streaming media data file. The multimedia presentation may include elements that initiate playback of the presentation from a specified point in time. After authoring of the presentation is completed, the authoring tool assists in encoding and transferring the presentation for distribution.

Sheasby

**[0019]** Sheasby describes constructing edit sequences which include reference clips employed in the sequences. The reference clips include a reference to metadata defining a child sequence. The reference clip is loaded into a parent sequence, rather than the metadata for the child sequence and, as the reference clip and its reference typically have a much smaller memory footprint than the metadata for the child sequence, the memory requirements for to load the parent sequence are reduced, as is the time required to accomplish the load. In addition, the metadata defining the child sequences can be persisted separately from the parent sequences, and used in any parent sequence by employing a reference clip to the persisted child sequence.

## **Obviousness Rejections**

### **Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)**

[0020] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

### **Based upon Balkus**

[0021] The Examiner rejects claims 1-10, 12-22, 26-66, 70-75, 77-81, 83-84 and 86-88 under 35 U.S.C. § 103(a) as being unpatentable over Balkus. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

### ***Independent Claim 1***

[0022] Applicant submits that Balkus does not render obvious at least the following elements as recited in this claim, as amended (with emphasis added):

- "the first and second nodes are configured ***as parallel nodes*** such that the first node that is a child of a parent node ***is rendered concurrently with the second node that is a child of the same parent node;***" and

- “the media timeline is configured for ***dynamic creation*** such that at least one node is created ***while the media timeline is being rendered.***”

**[0023]** The Examiner indicates (Action, p. 4) the following with regard to this claim:

5. As per claim 1, Balkus teaches: receiving a request, from an application at an application programming interface (API) [system for authoring and publishing a multimedia presentation of lines 1-3 of 0051], to interact with a plurality of media [temporal and nontemporal media of lines 3-9 of 0031]; and generating a media timeline based on the request that [creating timeline of lines 2-5 of 0035]: is for exposure via the API to the application [viewer of lines 7-10 and 21-25 of 0057]; includes a plurality of nodes [tracks of lines 2-4 of 0037; frames and subframes as nodes of lines 4-13 of 0062], and defines a presentation of a first said media referenced by a first said node with respect to a second said media referenced by a second said node [creating a multimedia presentation involves creating a temporal relationship (e.g. timeline) between each element of the nontemporal media and the temporal media of lines 1-5 of 0035].

**[0024]** Balkus teaches interactive authoring of a multimedia presentation that may include audio and video data that is time synchronized. An “author” of a timeline combines one or more tracks and positions them within the timeline so that the timeline is synchronized in accordance with the positions of the tracks



within the authored timeline. (Balkus Para [0032, 0035-0036]) The author, using a graphical user interface, is able to edit the timeline or create a new event. (Balkus [0051] and [0054]) However, this authoring process is done without encoding the audio and video data into streaming media data files for combination with other media. In other words, Balkus allows an author to prepare and complete a presentation prior to any rendering of the timeline, and once the presentation is completed, then it is later transferred and rendered for distribution and playback. (Balkus Abstract and Para [0006])

**[0025]** In contrast claim 1 recites that “the media timeline is configured for *dynamic creation* such that at least one node is created *while the media timeline is being rendered.*” This dynamic creation helps efficiently utilize hardware and/or software resources used to load and playback a media timeline.

**[0026]** Furthermore, Balkus teaches that the tracks of the timeline are sequentially ordered in accordance with time. (Balkus Para [0034-0039]) Once a given track’s position is encountered within the timeline, then the segmented media data is sequentially received.

**[0027]** Balkus does not teach parallel nodes as recited in claim 1. More specifically, claim 1 recites that “the first and second nodes are configured *as parallel nodes* such that the first node that is a child of a parent node *is rendered concurrently with the second node that is a child of the same parent node.*”

**[0028]** As shown above, Balkus does not teach or render obvious all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claims 15, 21, 58, 76 and 77

**[0029]** Similarly, independent claims 15, 21, 58, 76 and 77 each include at least one feature similar to the claimed features as explained above with respect to claim 1. Thus independent claims 15, 21, 58, 76 and 77 are allowable over the cited references for at least similar reasons as claim 1. Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims.

Dependent Claims 2, 4-9, 11-14, 16-18, 20, 22-28, 30-32, 59-62, 64-65, 78-80 and 82-83

**[0030]** These claims ultimately depend upon one of independent claims 1, 15, 21, 58, 76 or 77. As discussed above, claims 1, 15, 21, 58, 76 or 77 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 33

[0031] Applicant submits that Balkus does not render obvious at least the following elements as recited in this claim, as amended (with emphasis added):

- “**rendering a first media item** referenced by a first node;”
- “receiving a call for a second said node that references a second media item;” and
- “creating the second node **while rendering the first media item.**”

[0032] The Examiner indicates (Action, p. 9) the following with regard to this claim:

33. As per claim 33, Balkus teaches: rendering a first media item referenced by a first said node [upon selection of a hyperlink, the corresponding presentation may be played of lines 5-7 of 0033]; receiving a call for a second said node that references a second media item; and creating the second said node [if an event indicates that no file or resource is associated, and a new event may be created of lines 3-7 of 0054].

[0033] As explained above with respect to claim 1, Balkus teaches interactive authoring of a multimedia presentation that may include audio and video data that is time synchronized. The author prepares and completes a presentation prior to any rendering of the timeline, and once the presentation is completed then it is later transferred and rendered for distribution and playback.

(Balkus Abstract and Para [0006])

**[0034]** Balkus does not teach “*rendering a first media item* referenced by a first said node; receiving a call for a second node that references a second media item;” and then “creating the second node *while rendering the first media item*” as recited in claim 33.

**[0035]** As shown above, Balkus does not teach or render obvious all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

*Dependent Claims 34-40 and 89*

**[0036]** These claims ultimately depend upon independent claim 33. As discussed above, claim 33 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 41

[0037] Applicant submits that Balkus does not render obvious at least the following elements as recited in this claim, as amended (with emphasis added):

- loading a first node for rendering;
- examining metadata associated with the first node to determine a first node grouping to be loaded in conjunction with the first node;
- loading each node referenced by the first node grouping;
- rendering the first said node grouping;
- examining at least one node in the first node grouping to determine a second node grouping, **wherein the examining at least one node in the first node grouping is performed during the rendering of the first node grouping;**
- loading each node referenced by the second node grouping;
- and
- rendering the second node grouping when the rendering of the first node grouping is completed, wherein:
  - the media timeline is configured for **dynamic creation where one node is created while the media timeline is being rendered, the dynamic creation of the one node being performed by a node source that includes data that defines properties and interrelationships of the created node;** and
  - at least one node is configured for **communication of an event to another node such that a change** may be made to the media timeline **while the media timeline is being rendered,** wherein the plurality of nodes of the media timeline that are **affected by the change are automatically updated.**

**[0038]** The Examiner indicates (Action, p. 10-11) the following with regard to this claim:

41. As per claim 41, Balkus teaches: a media timeline exposed via an application programming interface [system for authoring and publishing a multimedia presentation of line 1-3 of 0051], the media timeline having a plurality of nodes [tracks of lines 2-4 of 0037; frames and subframes as nodes of lines 4-13 of 0062], at least two said nodes referencing respective media [on the event timeline, an event indicates a data file or other resource associated of lines 1-3 of 0054], one or more said nodes each having metadata that references a node grouping [e.g. position, start time, duration, a title, and associated data of lines 7-10 of 0036], a method comprising: loading a first said node; examining the first said node to determine a first said node grouping; loading each said node referenced by the first said node grouping; rendering the first said node grouping; examining one or more said nodes in the first said node grouping to determine a second said node grouping; loading each said node referenced by the second said node grouping; and when the rendering of the first said node grouping is completed, rendering the second said node grouping [an event near or at the end of a streaming

multimedia presentation may be used to initiate the subsequent multimedia presentation of lines 7-10 of 0033].

**[0039]** Again, as explained above with respect to claim 1, Balkus teaches interactive authoring of a multimedia presentation that may include audio and video data that is time synchronized. The author prepares and completes a presentation prior to any rendering of the timeline, and once the presentation is

completed then it is later transferred and rendered for distribution and playback.  
(Balkus Abstract and Para [0006])

**[0040]** While Balkus teaches a composition made up of multiple tracks as cited by the Examiner in Para [0033] and [0036], Balkus does not teach “a first node grouping” and “a second node grouping” as defined in this claim. As previously mentioned Balkus teaches that the tracks of the timeline are sequentially ordered in accordance with time. There is no teaching of “*examining at least one node in the first node grouping to determine a second node grouping*” as recited in this claim, and furthermore, as previously indicated, Balkus does not teach that “*the examining at least one node in the first node grouping is performed during the rendering of the first node grouping*”.

**[0041]** Another exemplary claimed element not taught by Balkus is that “at least one node is configured for *communication of an event to another node such that a change* may be made to the media timeline *while the media timeline is being rendered*, wherein the plurality of nodes of the media timeline that are *affected by the change are automatically updated.*” As previously discussed, Balkus teaches the editing and a completion of a presentation prior to rendering, transferring and distribution. While an author in Balkus is allowed to change and edit the presentation, this can not be done “while the media timeline is being rendered” as recited in this claim. Furthermore, Balkus does not teach that “the plurality of nodes of the media timeline that are *affected by the change are automatically updated*” in response to the communication of the event.

[0042] As shown above, Balkus does not teach or render obvious all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claims 49, 66 and 84

[0043] Similarly, independent claims 49, 66 and 84 each include at least one feature similar to the claimed features as explained above with respect to claim 41. Thus independent claims 49, 66 and 84 are allowable over the cited references for at least similar reasons as claim 41. Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims.

Dependent Claims 44-45, 47-48, 50-57, 67-68, 70-75, 85-88 and 90

[0044] These claims ultimately depend upon one of independent claims 41, 49, 66 or 84. As discussed above, claims 41, 49, 66 and 84 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Balkus and Sheasby**

[0045] The Examiner rejects claims 11, 23-25, 67-69, 76, 82 and 85 under 35 U.S.C. § 103(a). Applicant respectfully traverses the rejection of these claims at least because Sheasby does not account for the deficiencies in Balkus as explained above with respect to independent claims 1, 21, 66, 77 and 84, from



which claims 11, 23-25, 67-69, 82 and 85 depend. Additionally, as stated above, independent claim 76 has been amended similarly to independent claim 1.

**[0046]** In the rejections of the aforementioned claims the Examiner indicates that Sheasby teaches metadata associated with parent-child sequences that reference separate clips. (Sheasby Col 6 Lin 53 and Col 8 Lin 20) Sheasby teaches combining clips of video into one or more tracks that have a conceptual inter-relationship. Instead of loading metadata associated with a child sequence into memory of a system, Sheasby only loads reference clips and their references, until the reference clip is navigated to by user, for which the metadata is loaded. (Sheasby Col 5 Lin 17-27) This system simply saves memory space by not loading the metadata associated with each child sequence until the sequence is referenced.

**[0047]** This system however, does not dynamically create nodes as recited in the claims. When a user in Sheasby wishes to play a timeline containing the clips loaded in the memory, the system produces playback in an appropriate manner. However, the playback of the media depends on whether the reference clip has been previously rendered, and if not then the system indicates to the user the existence of unprocessed data, prior to commencing playback. (Sheasby Col 6 Line 53—Col 7 Lin 18)

**[0048]** Thus, Sheasby does not teach the “dynamic creation” as defined in independent claims 1, 15, 21, 41, 58, 76 and 77. Furthermore, Sheasby does not teach changing a node while rendering as defined for example, in claim 49.

**[0049]** As shown above, the combination of Balkus and Sheasby does not teach or render obvious all of the elements and features of these claims. Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims.

### **Dependent Claims**

**[0050]** In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

## **Conclusion**

[0051] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me or my assistant at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

/Jacob Rohwer 61,229/ Dated: 6/5/2008

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